

Response dated 02/17/2005
Response to Office Action mailed 11/17/2004

Application No. 10/667,954

REMARKS

The office action mailed November 17, 2004 has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested.

Claims 1-9 are pending in this application. Claim 1 has been amended to more clearly point out and claim the present invention, and new claims 6-9 have been added. Support for these amendments can be found in the claims as originally filed and throughout the specification and drawings. No new matter has been added.

Claim Rejections Under 35 USC §102

Claims 1, 3-4 stand rejected under 35 USC §102(a) as anticipated by Robertson, U.S. Patent No. D468,106. Applicant respectfully submits that Robertson does not disclose the invention as presently claimed. Reconsideration and withdrawal of this rejection is requested.

Amended claim 1 is directed to a dustpan and broom kit where the dustpan includes an arcuate section of a retention rib and the arcuate section extends continuously from the leading edge to the handle of the dustpan. Claims 3-4, as well as new claims 6-9, each depend from claim 1.

Robertson discloses a dustpan having an arcuate section at a rear portion of the dustpan, with a straight section extending between the arcuate section and the leading edge. Thus, Robertson fails to teach every element of the invention of claim 1, as well as claims 3-4, as required under 35 USC §102(a). Applicant respectfully submits that claims 1 and 3-4, as well as claims 6-9, are in condition for allowance.

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Claim Rejections Under 35 USC §103

Claim 2 stands rejected under 35 USC §103(a) as being unpatentable over Robertson,

U.S. Patent No. D468,106. Claim 5 stands rejected under 35 USC §103(a) as being unpatentable over Robertson, U.S. Patent No. D468,106 in view of Petner, U.S. Patent No. 5,839,145.

Reconsideration and withdrawal of these rejections are requested.

Claims 2 and 5 each depend from claim 1. As discussed above, Robertson does not anticipate claim 1. For these same reasons, Robertson does not disclose, teach or suggest the invention of claims 2 or 5. Further, Petner, which does not teach a dustpan with an arcuate section, does not provide any teachings to cure the deficiencies of Robertson.


Accordingly, neither Robertson nor Petner, either alone or in combination, disclose, teach or suggest the invention of claims 2 and 5, and claims 2 and 5 are not obvious.

CONCLUSION

All rejections having been addressed, applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same.

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Respectfully submitted,


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